

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS JENNINGS,

Plaintiff,

STIPULATION AND ORDER OF
DISMISSAL

-against-

ANDREW YURKIW, *et al.*,

14 CV 6377 (LB)

Defendants.

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WHEREAS, plaintiff commenced this action by filing a complaint on or about October 29, 2014, alleging that the defendants violated plaintiff's federal civil rights; and

WHEREAS, defendants Andrew Yurkiw, Joseph Solomito, and Amber LaGrandier denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, on June 11, 2018, following a jury trial on a claim of excessive force against the individual defendants herein, including damages for physical injuries, each of the individual defendants was adjudged liable to plaintiff and a judgment was entered in the amount of \$3,000,000;

WHEREAS, on October 31, 2018, the Court issued an Order remitting damages;

WHEREAS, plaintiff rejected the remittitur and demanded a second trial as to the amount of damages;

WHEREAS, on April 11, 2019, following a jury trial as to the amount of damages, a judgment was entered in the amount of \$445,000 plus post-judgment interest at a rate of 2.42% per annum;

WHEREAS, the plaintiff is entitled to recover his legal fees and costs from the individual defendants pursuant to 42 USC § 1988;

WHEREAS, the parties now desire to resolve the remaining issues raised in this litigation; and

WHEREAS, the parties have authorized their counsel to resolve this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or legal fees beyond those set forth in paragraph two (2) below.

2. The City of New York hereby agrees to pay plaintiff, Thomas Jennings, the sum of One Million One Hundred Ten Thousand Dollars (\$1,110,000.00) in full satisfaction of the following:

(i) the Judgment, dated and filed April 11, 2019, inclusive of all post-judgment interest, in the amount of Four Hundred Seventy-Five Thousand, Two-Hundred Seventy-Nine Dollars (\$475,279.00), which represents the amount due and owed to plaintiff; and,

(ii) plaintiff's costs, expenses and attorneys' fees in the amount of Six Hundred Thirty-Four Thousand Seven Hundred Twenty-One Dollars (\$634,721.00). This amount represents full satisfaction of any claim by plaintiff for costs, expenses, and attorneys' fees in this matter.

3. Defendants shall pay the amounts specified in paragraph two (2), above, and issue such payment in the form of a check or draft payable to Amy Rameau, Esq.

4. Plaintiff's counsel, the Rameau Law Firm, shall serve upon the City of New York's attorney at 100 Church Street, New York, NY 10007, an IRS Form W-9.

5. This agreement represents the full and final resolution of this matter.
6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.
7. The District Court shall retain jurisdiction over this action for the purpose of enforcing the terms of this Stipulation.

Dated: New York, New York
January 28, 2022

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By: Christopher G. Arko
Christopher G. Arko

SO ORDERED:

HON. LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE